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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/023,746

12/21/2001

Jae Kyung Lee

K-0372

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7590

08/09/2006

FLESHNER & KIM, LLP

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EXAMINER

ZURITA, JAMES H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/023,746	<b>Applicant(s)</b> LEE, JAE KYUNG	
	<b>Examiner</b> James H. Zurita	<b>Art Unit</b> 3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,4,13-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 4, 13-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Prosecution History***

On 21 December 2000, applicant filed the instant application. The application claims priority to application 2000-79647, filed in Korea on 21 December 2000.

On 29 August 2002 the application was published as PG-PUB 20020120718A1.

On 25 March 2005, the Examiner issued an Election/Restriction Requirement.

On 25 April 2005, applicant elected claims 2 and 4.

On 8 July 2005, the Examiner rejected claims 2 and 4 as unpatentable over Lambrechts (6,909,378).

On 8 November 2006, applicant amended claims 2 and 4 and added 13-20.

On 27 January 2006, the Examiner issued a final rejection of Claims 2, 4 and 13-20 as unpatentable over Lambrechts (6,909,378).

On 20 April 2006, applicant filed an after-final amendment and requested reconsideration.

On 16 May 2006, the Examiner issued an Advisory Action.

On 26 May 2006, applicant requested continued examination.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set

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forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 20 April 2006 has been entered.

### ***Response to Amendment***

On 20 April 2006, applicant amended claims 1, 15-16, 18-20.

Applicant cancelled claims 1, 3, 5-12 and 17.

Claims 2, 4, 13-16 and 18-20 are pending and will be examined.

### ***Response to Arguments***

Applicant's arguments filed 20 April have been fully considered but they are not persuasive.

Prior Objections to the claims are withdrawn in view of amendment.

Prior rejections under 35 USC 112 are withdrawn in view of amendment.

On page 6, lines 1-13, Applicant appears to argue that Lambrecht's display unit is not the same as the claimed display unit.<sup>1</sup>

...However, these portions [of Lambrecht] merely disclose that "the command codes learned by the universal remote controller may also be suitable to control the remote control itself. For example, the universal remote control may have a programmable user-interface presented on a liquid crystal display." [Lambrecht does not disclose] a display unit displaying various remote controller function keys and a list of electronic apparatus as recited in the claims of the present application. These portions of Lambrecht et al. merely relate to the universal remote control having an LCD to initiate learned command codes to control the remote control itself. These portions do not disclose or suggest a display unit on the remote controller displaying a list of electronic apparatus.

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<sup>1</sup> Previously, applicant had argued that Lambrecht lacked a display unit.

On page 7, line 15-page 8, line 6, Applicant appears to argue that Lambrecht does not display a list of a plurality of electronic apparatuses:

Regarding claim 2, Applicant submits that Lambrecht et al. does not disclose suggest or render obvious the limitations in the combination of this claim of, inter aka, a remote controller that includes a communication module configured to receive remote controller information for a plurality of electronic apparatus from the electronic apparatus, or a display unit including an image process circuit and a display window, the display unit displaying various remote controller function keys and a list of the plurality of electronic apparatus. The Examiner asserts that Lambrecht et al. discloses a display unit displaying lists, at col. 2, lines 34-46. However, these portions merely disclose, as the Examiner notes, displaying a list of commands to the user. Further, this list is displayed on a display screen of the data processing device. This is not a remote controller including a display unit displaying a list of a ply of electronic apparatuses, as recited in the claims of the present application.

The Examiner respectfully directs applicant's attention to Col. 7, lines 11-22, discloses that the remote control may have a display unit (*liquid crystal display*) and suggests that the unit present lists of a ***plurality of appliances simultaneously***.

On page 8, lines 7-11, applicant appears to argue that the examiner's conclusion of obviousness is based upon improper hindsight reasoning. In response, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

On page 8, line 12-page 9, line 4, applicant appears to argue that Lambrecht is directed to upgrading a code of one single electronic appliance:

...Lambrecht is merely directed to upgrading a universal remote control with a command code of a single electronic appliance...[sic, emphasis in original]

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In response to these arguments, applicant's attention is directed to previously cited Col. 2, lines 4-33, which reads, in part (emphasis added):

...Dependent on the amount of RAM, command codes can be learned for controlling only one **electronic appliance** at a time or **a plurality of electronic appliances simultaneously**.

The Examiner also respectfully directs applicant's attention to Col. 1, lines 20-57, which describe prior art, [emphasis added, please note the use of the **plural**]

Modern **electronic appliances** are often capable of being controlled remotely. For example, they are supplied with a remote control which allows the user to enter commands, which are then sent to the device by, for example, infrared (IR) signals. As the number of such **appliances** increases, users are faced with a plurality of remote controls. This is inconvenient, because it is difficult to keep track of where each of the remote controls is located, and which remote control belongs to which device. Moreover, each remote control has a different lay-out which has to be learned and remembered by the user. To solve this problem, universal remote controls are known, for example from U.S. Pat. No. 4,623,887, which **store IR codes for a large number of devices and allow the user to control all those devices by a single remote control. For that purpose, the universal remote control has a large number of buttons to enable the user to select an appliance to be controlled and to control the specific functions of all individual appliances**. To control a particular device, the user has to select an appliance, aim at it with the remote control and operate the buttons which are suitable for controlling the device. It is further known to provide a universal remote control with learning which allow IR codes **of a new appliances** to be learned, so that the new device can subsequently be controlled with the universal remote control. IR codes for a specific appliance are entered into a universal remote control by placing the universal remote control and the remote control of the appliance face to face. Generally, the universal remote control must be set to a learning mode and repetitively a key of the universal remote control is selected and a corresponding key of the other remote control is pressed, causing a command code to be transmitted to the universal remote control and associated with the selected key. A disadvantage of this method is that the remote control of the appliance has to be present and operational. This is often not the case, e.g. if a user lost its old universal remote control and now wants to put a new one into use, the remote controls of the various **appliances** may not be present anymore or their batteries may be empty.

The Examiner notes that Lambrecht discloses prior art that Backgroundwhich recite In response to these arguments, applicant's attention is directed to previously cited Col. 2, lines 4-33, which reads, in part (emphasis added):

### ***Claim Objections***

The following are objected to because of informalities:

Claim 2 refers to "...configured to communication with an [first] electronic apparatus... for a plurality of [other] electronic apparatuses..." In claim 4, the [first] apparatus is identified as a personal computer; claims 18-20 appear to identify the plurality of [other] electronic apparatus as different from the [first] electronic apparatus.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambrechts (US 6,909,378).

**As per claim 2**, Lambrechts discloses a device comprising

**a communication module** configured to communicate with an [first] electronic apparatus [PC, reference 101] which is configured to perform data communication with an Internet site by a radio or wire mode (Col. 4, lines 41-62),

wherein the communication module receives device information for a plurality of [other] electronic apparatuses, from the electronic apparatus (PC 101), see Col. 2, lines 35-46, for example;

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said controller information including device code information [command codes, as in Abstract] and function information for the plurality of electronic apparatuses (electronic appliances, as in Col. 1, lines 19-58);

**a storage device** for storing the device information transmitted through the communication means (memory 215, as in Col. 5, lines 9-50); and

**a display unit** including an image process circuit and a display window (Col. 6, line 60-Col. 7, line 9); said display unit displaying various device function keys (graphical buttons presented on the LCD, Col. 7, lines 5-10) and list(s) (see list of commands and a list of the plurality of electronic apparatus, as in Col. 2, lines 35-46).

wherein the device transmits an infrared ray signal (Abstract, Col. 1, lines 1-17) corresponding to a key input by a user (Col. 1, lines 19-25).

Lambrechts **does not** specifically disclose that the lists displayed on the display unit of the universal remote controller are lists of a plurality of electronic apparatuses.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Lambrechts to disclose the display unit including an image process circuit and a display window as displaying various device function keys and **a list of plurality of electronic apparatuses**.

One of ordinary skill in the art at the time the invention was made would have been motivated to extend Lambrechts to disclose the display unit including an image process circuit and a display window as displaying various device function keys and **a list of a plurality of electronic apparatuses** for the obvious reason that selecting from



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a list of electronic apparatus helps users avoid typing errors they may encounter by keying the necessary codes.

**As per claim 4**, Lambrechts discloses that the electronic apparatus capable of performing data communication is a PC. PC **101**.

**As per claim 13**, Lambrechts discloses a user interface unit configured to receive user operation commands for device function. See at least references to keys for input, as in Col. 1, lines 19-58.

**As per claim 14**, Lambrechts discloses an infrared transmitting unit configured to generate at least one infrared ray signal corresponding to the key input by the user among the various device function keys. Col. 1, lines 19-25, Col. 6, lines 49-59. and other references to infrared transmitter.

**As per claim 15**, Lambrechts discloses a controlling unit configured to control at least the infrared transmitting unit. Abstract, Col. 1, lines 1-17, Col. 1, lines 19-25.

**As per claim 16**, Lambrechts discloses a program executable by the controlling unit to select and control each of the plurality of the electronic apparatus. Col. 1, lines 20-58, references to selecting an appliance to be controlled.

**As per claim 17**, Lambrechts discloses that the device is configured to receive **device** information for a plurality of electronic apparatuses. Col. 1, lines 20-58.

**As per claims 18-20**, Lambrechts discloses electronic apparatuses such as electronic appliances (Col. 1, lines 20-25). Appliances are manufactured by a manufacturer (claim 18); appliances are of various kinds (TV's, set-top-boxes, PCs) as

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in claim 19, and appliances are of some model (e.g., remote controllers, some with LCDs, as in Col. 6, line 60 to Col. 7, line 10).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

***James Zurita***  
***Primary Examiner***  
***Art Unit 3625***  
2 August 2006

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In response to these arguments, applicant's attention is directed to previously cited Col. 2, lines 4-33, which reads, in part (emphasis added):

...Dependent on the amount of RAM, command codes can be learned for controlling only one **electronic appliance** at a time or **a plurality of electronic appliances simultaneously**.

The Examiner also respectfully directs applicant's attention to Col. 1, lines 20-57, which describe prior art, [emphasis added, please note the use of the **plural**]

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The following are objected to because of informalities:

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Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambrechts (US 6,909,378).

**As per claim 2**, Lambrechts discloses a device comprising

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wherein the communication module receives device information for a plurality of [other] electronic apparatuses, from the electronic apparatus (PC 101), see Col. 2, lines 35-46, for example;

said controller information including device code information [command codes, as in Abstract] and function information for the plurality of electronic apparatuses (electronic appliances, as in Col. 1, lines 19-58);

**a storage device** for storing the device information transmitted through the communication means (memory 215, as in Col. 5, lines 9-50); and

**a display unit** including an image process circuit and a display window (Col. 6, line 60-Col. 7, line 9); said display unit displaying various device function keys (graphical buttons presented on the LCD, Col. 7, lines 5-10) and list(s) (see list of commands and a list of the plurality of electronic apparatus, as in Col. 2, lines 35-46).

wherein the device transmits an infrared ray signal (Abstract, Col. 1, lines 1-17) corresponding to a key input by a user (Col. 1, lines 19-25).

Lambrechts **does not** specifically disclose that the lists displayed on the display unit of the universal remote controller are lists of a plurality of electronic apparatuses.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Lambrechts to disclose the display unit including an

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image process circuit and a display window as displaying various device function keys and a **list of plurality of electronic apparatuses**.

One of ordinary skill in the art at the time the invention was made would have been motivated to extend Lambrechts to disclose the display unit including an image process circuit and a display window as displaying various device function keys and a **list of a plurality of electronic apparatuses** for the obvious reason that selecting from a list of electronic apparatus helps users avoid typing errors they may encounter by keying the necessary codes.

**As per claim 4**, Lambrechts discloses that the electronic apparatus capable of performing data communication is a PC. PC **101**.

**As per claim 13**, Lambrechts discloses a user interface unit configured to receive user operation commands for device function. See at least references to keys for input, as in Col. 1, lines 19-58.

**As per claim 14**, Lambrechts discloses an infrared transmitting unit configured to generate at least one infrared ray signal corresponding to the key input by the user among the various device function keys. Col. 1, lines 19-25, Col. 6, lines 49-59. and other references to infrared transmitter.

**As per claim 15**, Lambrechts discloses a controlling unit configured to control at least the infrared transmitting unit. Abstract, Col. 1, lines 1-17, Col. 1, lines 19-25.

**As per claim 16**, Lambrechts discloses a program executable by the controlling unit to select and control each of the plurality of the electronic apparatus. Col. 1, lines 20-58, references to selecting an appliance to be controlled.

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**As per claim 17**, Lambrechts discloses that the device is configured to receive *device* information for a plurality of electronic apparatuses. Col. 1, lines 20-58.

**As per claims 18-20**, Lambrechts discloses electronic apparatuses such as electronic appliances (Col. 1, lines 20-25). Appliances are manufactured by a manufacturer (claim 18); appliances are of various kinds (TV's, set-top-boxes, PCs) as in claim 19, and appliances are of some model (e.g., remote controllers, some with LCDs, as in Col. 6, line 60 to Col. 7, line 10).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

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**James Zurita**  
**Primary Examiner**  
**Art Unit 3625**  
2 August 2006

*James Zurita*  
*Primary Examiner*